

REMARKS

In the Office Action¹, the Examiner rejected claims 1-18, 26, 27, and 31-35 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,513,260 to Ryan ("*Ryan*"), in view of U.S. Patent No. 6,839,503 to Hirai ("*Hirai*"), and further in view of U.S. Patent No. 5,629,980 to Stefik et al. ("*Stefik*").

Hirai cannot be relied upon in a 35 U.S.C. § 103(a) rejection. The Examiner relies on *Hirai* as prior art under § 102(e), but *Hirai* and the instant application were, at the time the instant invention was made, owned by the same person or subject to an obligation of assignment to the same person. *Hirai* is not prior art under 35 U.S.C. §§ 102(a) or 102(b) because *Hirai* has an issue date of January 4, 2005, which is later than the filing date of the instant application of March 9, 2001. *Hirai* was and is owned by Sony Corporation, with offices in Tokyo, Japan, and Sony Electronics, Inc., with offices in Park Ridge, New Jersey. Sony Electronics, Inc. was and still is a wholly-owned subsidiary of Sony Corporation. See MPEP §706.02(I)(2). The instant application was and still is owned by Sony Corporation. Thus, *Hirai* cannot be relied upon in a § 103(a) rejection. See 35 U.S.C. § 103(c).

Accordingly, 35 U.S.C. § 103(c) operates to remove *Hirai* as prior art to the present application, rendering moot the rejection of claims 1-18, 26, 27, and 31-35 under 35 U.S.C. § 103(a) over the combination of *Ryan*, *Hirai*, and *Stefik*.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of the application and withdrawal of the rejection. Pending claims 1-18, 26, 27, and 31-35 are in condition for allowance, and Applicant requests a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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